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☒ FINANCE Barbara Reeves
☒ COUNTY ATTORNEY Sara Ransom
☒ DEFENSE ATTY: Peter Kelly, Esq.
☒ ARIZONA DEPT OF CORRECTIONS (certified)
☒ COCHISE COUNTY JAIL (certified)
☒ ADULT PROBATION DEPARTMENT
☒ IOC
☒ MARISA FUSCO
☒ MAILED

SUPERIOR COURT OF ARIZONA
COUNTY OF COCHISE

Date November 30, 2018

FILED
2018 DEC 11 PM 3:50

UAF

MEED 12-12-18

CASE: STATE OF ARIZONA, Plaintiff

vs.

CHRISTOPHER DENARD GRAY, Defendant

Date of Birth: 12/20/1987

SENTENCE OF IMPRISONMENT (Ct. I)
SENTENCE OF PROBATION (Ct. II)

CASE NO: CR201800414

JUDGE HONORABLE WALLACE R. HOGGATT
DIVISION III
COURT REPORTER Sue Auletta
ADDRESS & PHONE

MARY ELLEN DUNLAP, CLERK

By Jennifer Anderson (12/7/2018), Deputy Clerk
Docketed by

12:03 p.m. State represented by Sara Ransom, Deputy County Attorney
Defendant present in person and by Peter Kelly, Esq.

This matter came before the Court for Sentencing.

The Court has received and read the Presentence Report and is aware of the stipulation.

The Court NOTES no victims are present for this hearing.

Ms. Ransom had nothing to add.

Mr. Kelly presented the position of the Defendant.

The Defendant was provided an opportunity to speak and addressed the Court.

IT IS ORDERED the victim shall have thirty (30) days to file a claim for restitution and supporting documentation, copies of the claim and supporting documentation shall be provided to the defense and either party can file a stipulation or request a hearing or a ZERO (\$0.00) order shall be entered.

Three
Div

November 30, 2018
Date

HON. WALLACE R. HOGGATT
Superior Court Judge

Jennifer Anderson
Deputy Clerk

CR201800414

STATE vs CHRISTOPHER DENARD GRAY

Pursuant to A.R.S. Section 13-607, the Court finds as follows:

[XX] **WAIVER OF TRIAL** The Defendant knowingly, intelligently and voluntarily waived his right to a trial with a jury, his right to confront and cross-examine witnesses, his right to testify or remain silent and his right to present evidence and call his own witnesses after having been advised of these rights. The determination of guilt was based upon pleas of **GUILTY**.

The Court having considered the facts and circumstances, and there being no legal cause to delay the imposition of disposition,

IT IS THE JUDGMENT OF THE COURT that the Defendant is guilty of the following crimes, that upon due consideration of the facts, law and circumstances relevant here, the Court finds that sentences of probation as to Count 1 of the Plea Agreement are not appropriate, and that a sentence of imprisonment in the Department of Corrections as to Count I of the Plea Agreement is appropriate.

THE COURT FURTHER FINDS that there are circumstances sufficiently substantial to call for the term as indicated on the following page. These circumstances are stated by the Court on the record.

AS PUNISHMENT, IT IS ORDERED that the Defendant is sentenced to a term of imprisonment on Count I and is committed to the Arizona Department of Corrections as follows:

Three November 30, 2018 HON. WALLACE R. HOGGATT Jennifer Anderson
Div Date Superior Court Judge Deputy Clerk

CR201800414 STATE vs CHRISTOPHER DENARD GRAY

As to Count I of the Plea Agreement:

OFFENSE: committed domestic violence, aggravated assault upon R.H. with a deadly weapon or dangerous instrument, to wit: applying lighter fluid to the ground and a bush near R.H., who was then his girlfriend, and attempting to light the fluid on fire

FELONY CLASS: THREE (3) and an amendment to Count 5 of the Indictment

IN VIOLATION OF A.R.S. §§: 13-2904(A)(2)(E), 13-1203(A)(2), 13-105, 13-701, 13-702, 13-704, and 13-801, thereby intentionally placing R.H. in reasonable apprehension of imminent physical injury

DATE OF OFFENSE: on or about April 26, 2018

SENTENCE: The Defendant shall be committed to the Arizona Department of Corrections for the PRESUMPTIVE term of SEVEN point FIVE (7.5) years.

| | SUBSTANTIALLY AGGRAVATED |xx| PRESUMPTIVE | | MAXIMUM

| | NONDANGEROUS |xx| DANGEROUS PURSUANT TO A.R.S. §13-704

|xx| NONREPETITIVE | | CATEGORY TWO REPETITIVE

This is not a calendar year sentence. The sentence begins this date, **November 30, 2018**. The Defendant is given credit for TWO HUNDRED and EIGHTEEN (218) days served. The sentence of probation imposed for Count II of the Plea Agreement shall be CONSECUTIVE to the prison sentence imposed for Count I.

IT IS ORDERED that Community Supervision is WAIVED in this matter since the Defendant will receive probation in Count II.

CR201800414

STATE vs CHRISTOPHER DENARD GRAY

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence.

As to Count II of the Plea Agreement:

IT IS THE JUDGMENT OF THE COURT that the Defendant is guilty of the offense of having on or about April 26, 2018, CHRISTOPHER DENARD GRAY committed kidnapping by knowingly restraining the victim, R.H., who was then his girlfriend, with the intent to inflict death, physical injury or a sexual offense on the victim, or to otherwise aid in the commission of a felony to wit: entered R.H.'s home, restrained R.H. with duct tape, beat her, and put her in a Ford Mustang before driving out of Sierra Vista in violation of A.R.S. §§ 13-1304(A)(3), 13-1304(B), 13-3601, 13-105, 13-801, and 13-901, a class 2 non-dangerous, non-repetitive felony, and an amendment to Count 3 of the Indictment.

THE RECORD MAY SHOW this is a non-dangerous and non-repetitive offense.

Upon consideration of the offense, and the facts, law and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

[XX] **IT IS ORDERED** placing the Defendant on **INTENSIVE probation** for a period of **SEVEN (7) YEARS**, to begin upon the Defendant's absolute discharge from the Arizona Department of Corrections, in accordance with A.R.S. §13-603(K), running **CONSECUTIVELY** to Count I of the Plea Agreement and further in accordance with the formal **UNIFORM CONDITIONS OF INTENSIVE PROBATION** and **STANDARD PROBATION** and **FINANCIAL JUDGMENT AND ORDER** executed by the Court and the Defendant and attached hereto and incorporated herein, with a copy of same provided to the Defendant.

[XX] **IT IS FURTHER ORDERED** the Defendant is sentenced to thirty (30) days deferred incarceration in the Cochise County Jail subject to further order of the Court.

Three
Div

November 30, 2018
Date

HON. WALLACE R. HOGGATT
Superior Court Judge

Jennifer Anderson
Deputy Clerk

CR201800414

STATE vs CHRISTOPHER DENARD GRAY

MONETARY ASSESSMENTS

Pursuant to the stipulation, it is:

ORDERED the Defendant shall pay all fines, fees and restitution as outlined in the Financial Judgment and Order, as to Count II.

CR201800414

STATE vs CHRISTOPHER DENARD GRAY

The Court advised the Defendant of his rights of review and written notice of those rights were provided to the Defendant.

ORDERED the Defendant shall remain in the custody of the Cochise County Sheriff. The Sheriff is authorized to deliver the Defendant to the custody of the Department of Corrections and the Department of Corrections is authorized to carry out the term of imprisonment set forth herein.

ORDERED the Clerk of the Superior Court shall remit to the Department of Corrections a copy of this Order, together with all pre-sentence reports, medical reports and psychological reports relating to the Defendant and involving this cause.

ORDERED the Defendant shall provide a biological sample for DNA testing.

ORDERED any Conditions of Release are VACATED in this matter.

ORDERED any Bond is EXONERATED.

ORDERED the Defendant shall attend and complete any counselling/treatment recommended by the Adult Probation Department.

ORDERED the Defendant shall have NO contact with the victim in any form unless approved in writing.

The Defendant requested to file in open court his notice of intent to file for post-conviction relief and shall be shown as filed in open court.

ORDERED referring this case to the Indigent Defense Coordinator for appointment of Counsel for Rule 32 proceedings.


THE RECORD MAY SHOW the Defendant's fingerprint (right index finger) is permanently affixed to this Sentencing Order in Open Court.

FILED: Notice of Rights of Review After Conviction signed by the Defendant.

12:43 p.m. Hearing Concludes.

DATED Dec. 11, 2018.




HONORABLE WALLACE R. HOGGATT
Judge of the Superior Court